# 12.130 VICE CONTROL AND ENFORCEMENT RESPONSIBILITIES

#### Reference:

Procedure 12.175 - Use of Special Weapons and Tactics Unit

Procedure 12.720 - Evidence: Submitting for

Physical Analysis

Standards Manual - 43

### Policy:

To vigorously enforce laws and ordinances dealing with the suppression of illicit traffic in liquor, gambling, prostitution, narcotics, obscene materials, and regulatory violations.

#### Procedure:

- Vice Enforcement Responsibility:
  - 1. Police districts will:
    - Function as the first line operation responsible directly to the Patrol Bureau Commander for the control and suppression of vice activity.
    - Enforce all laws, ordinances, and b. regulations for the control or suppression of liquor, gambling, prostitution, narcotics, obscene materials, and regulatory violations.
      - Refer enforcement plans for obscene 1) material violations involving commercial operations to the Central Vice Control Section (CVCS) for investigation and coordination with the prosecutor.
    - Inspect public and commercial amusement places, conditions affecting the health and moral welfare of the community, and activities or devices having a gambling potential.

- d. Investigate and make recommendations to CVCS on requests for renewal, location and ownership transfers, and issuance of new liquor permits issued by the Ohio Department of Liquor Control (ODLC).
- e. Direct all requests for hearings before the Liquor Commission on reported violations to CVCS. CVCS will process the requests through the local office of the ODLC.
- f. Be on the alert for patterns, trends, or any type of organized vice activity. When found, communicate the information to CVCS and concerned district personnel.
- g. Request aid and investigative assistance from CVCS whenever needed in any vice case, court case preparation, filing criminal complaints, search warrants, etc.
- h. Process narcotics needing analysis through the Court Property Unit.
- i. Maintain a close rapport with CVCS, Police Division bureaus, public, private and other government agencies concerned with vice control.
- j. Make reports and maintain records necessary to their operation or as prescribed by the Patrol Bureau Commander.
  - 1) Ensure the blocks on the Arrest and Investigation Report (Form 527) pertaining to vice activity are completed (i.e.; Vice Activity Arrest, Type of Premises, and Forfeiture Application DIS-94).
- k. Improve the enforcement effort by participating in public information programs and personnel training.
- 2. Central Vice Control Section (CVCS) will:

- a. Assist Patrol Bureau efforts in the suppression of liquor, gambling, prostitution, narcotics, obscene material, and regulatory violations.

  CVCS will exercise staff supervision of division activities in these efforts.
- b. Monitor vice conditions throughout the city and keep the Support Bureau Commander, Police Chief, and the affected district commanders informed of situations needing attention.
  - 1) Notify Intelligence Section of any organized activity.
- c. Actively engage in vice enforcement and involve district personnel in these activities.
  - Take immediate enforcement action on all observed vice violations without involving district personnel when a delay would jeopardize the successful prosecution of the violation.
    - a) If no arrest(s) has occurred, notify the affected district via a Vice Activity Report (Form 526) as soon as conditions allow, unless unusual circumstances dictate immediate notification.
    - b) If an arrest(s) has occurred, notify the affected district via Form 527 as soon as conditions allow, unless unusual circumstances dictate immediate notification.
- d. Be the liaison between the division and both the ODLC and the Attorney General's Office.
  - CVCS will prepare all requests for hearings before the Liquor Commission on reported violations. Submit requests through the local office of the ODLC.

- 2) Report to the district commander, in writing, the reasons why a reported violation was not submitted to the Liquor Commission for a hearing.
- e. Be the division's liaison with the Prosecutor's Office in obscene material cases involving commercial operations. Participate in enforcement planning for such violations with district personnel and the prosecutor.
- f. Provide assistance, when requested, to all division personnel in any vice case, especially in court case preparation, filing criminal complaints, and writing search warrants.
  - If requested, assistance may include actual participation in planning, investigation, arrest, and court presentation.
- g. Field test suspected evidence when requested.
- h. Participate in recruit and in-service training programs for division personnel.
- i. Aid in preparing public information programs which will improve the enforcement effort.
- j. Keep the division informed as to new laws, court decisions, etc., relating to vice activity.
- k. Make reports and maintain records necessary to their operation or as prescribed by the Police Chief.
- 1. Develop and maintain a master vice activity file.
  - Maintain photographs of those actively engaged in various vice activities. File by the type of activity.

- 2) Information from files will be accessible to all authorized personnel upon request through a CVCS supervisor.
- m. Be the central repository for all records pertaining to vice activity.
  - Review and analyze vice records to determine patterns, trends, or any type of organized activity. Give special attention to an activity which crosses district and city boundaries.
  - 2) Provide for an orderly flow of information to concerned Police Division units and other jurisdictions.
- B. License and Permit Files:
  - Districts will maintain a file of all business places within the district boundaries which require by statute or ordinance to secure liquor licenses or permits to operate.
    - a. Make a classification for each business requiring a license or permit.
      - 1) File each classification alphabetically and by "DBA" (Doing Business As).
      - 2) Use Ohio Liquor Control Form 29 (Record of Licensed Places) for these records.

- 2. District commanders will designate an officer to be responsible for maintaining these files. Assign a supervisor on a work period basis or permanent basis. District commanders will make periodic checks of the files to ensure designated supervisors are keeping them up to date.
- 3. CVCS will request liquor permit histories from the ODLC.
  - a. CVCS will forward any enforcement documentation from the ODLC to the districts for their files.
- 4. Maintain liquor permit establishment jacket files at all times.
- 5. Prepare an extra copy of the Ohio Uniform Incident Report, the Suspect/Arrest Supplement, or any other official document when an incident occurs in a liquor permit premise or has its origin there.
  - a. File this copy in the district jacket file, noting the DBA of the liquor permit premise and the correct address under "Type of Premises Where Offense Occurred."
  - b. Forward a copy to CVCS.
- 6. If no arrest has occurred, the investigating officer will make a Form 526 for the following incidents: fights, disorders, violations, or unwholesome conditions arising in, or from, the operation of licensed liquor establishments. If an arrest has occurred, make a copy of the Form 527 instead of the Form 526.
  - a. File the Form 526 or Form 527 in the district jacket file, noting the DBA of the liquor permit premise and the correct address under "Type of Premises Where Offense Occurred."
  - b. Forward a copy to CVCS.

- 7. District commanders will be alert to prevent any neglect or oversight in the maintenance of these files.
- C. Reporting Conditions of Liquor Permit Premises:
  - 1. Members of the Police Division will notify CVCS of any suspected criminal or regulatory violations.
    - a. Officers may conduct warrantless administrative inspections subject to the following limitations.
      - There is reasonable suspicion that evidence of violations of the Liquor Control Act and/or rules of the Liquor Control Commission would be found in the licensed premise.
      - 2) Inspections are conducted for the limited purpose of determining compliance with the provisions of the Liquor Control Act and the rules adopted by the Liquor Control Commission.
      - 3) Inspections are conducted only during those hours when the permit holder is open for business or when it reasonably appears all or part of the business is in use.
      - 4) Inspections may include only those portions of the property which are part of the licensed premises.
      - 5) Warrantless administrative inspections can include locked closets, filing cabinets, cellars, attics, storage rooms, desks, and safes located in the liquor premises.

- D. Arrests on Premises Where Liquor is Sold:
  - 1. Case preparation on arrests on liquor permit premises will consist of:
    - a. Analysis and processing of liquor evidence per Procedure 12.720.
    - b. Preparing a Form 527 and a Liquor Arrests and Violations on Permit Premises (Form 529).
    - c. In presentation of cases involving a minor, the presence of the minor is necessary in court.
      - 1) Only certified copies of birth records are admissible as evidence.
        - a) Route all requests by division personnel for certified copies of birth/death certificates through CVCS. The request should include the first, middle, and last name of the individual, their sex, race, age, date of birth, father's name, mother's maiden name, city, county, state, and hospital of birth.
        - b) CVCS will forward the request on the proper format to the Bureau of Vital Statistics and return the certified copy to the requesting officer.
      - 2) If certified copies of birth records are not available, a Form 529 must identify the minor's natural parents who can verify the age.

- a) The Form 529 should contain information concerning the minor's date of birth, city, county, state, hospital of birth, address, father's name, and mother's maiden name.
- 3) Take a written statement from minors whenever possible.
- d. Make a Form 529 for each violation of the Liquor Control Act or of regulations of the Board of Liquor Control. Also make a Form 529 for the arrest of a permit holder, agent, or employee involving violations of laws, ordinances, or liquor regulations on permit premises.
  - 1) CVCS retains original copy.
  - 2) Send duplicate to district involved.
  - 3) Triplicate retained by the officer involved.
- e. Make two copies of the Form 527 on all vice arrests.
  - 1) One copy to CVCS.
  - 2) Second copy for the district involved.
- f. When filing liquor cases with no local charges and the case will go directly before the Liquor Commission, handle in the following manner:
  - 1) Complete Forms 529 and 526 in duplicate.
    - a) Original to CVCS.
    - b) Duplicate for the district file.

- 2) CVCS will be responsible for the administrative preparation of the case before the Liquor Commission.
- 3) The Court Property Unit will process evidence gathered for presentation to the Liquor Commission only. The Property Receipt (Form 330) will indicate "Columbus Only."
  - a) Have unsealed evidence analyzed.
  - b) Sealed evidence for direct presentment to the Liquor Board does not have to be analyzed. Municipal Court requires sealed evidence to be analyzed.
- g. In liquor cases involving multiple arrests, mark and tag all evidence under the legal name of the DBA appearing on the permit license. The officer will write in red across the evidence tag "Hold for Columbus."
  - 1) List names of all arrested on the evidence tag after the DBA name.
- 2. Arrests on premises where liquor is sold
   without a permit:
  - a. See Procedure 12.720 concerning analysis and processing of liquor evidence.
  - b. Make two copies of Form 527.
    - 1) Send original to CVCS.
    - 2) Put duplicate in the district file.
- E. Liquor Permits Renewal, Transfer, or Issuance of New Permits:

- Route all correspondence concerning renewal, transfer, or issuance of liquor permits through the CVCS office. The CVCS Commander will make all recommendations to the ODLC in writing with the signed approval of the Police Chief.
- 2. Location transfers or new permit applications:
  - a. The ODLC will send a "Police Notification" (Form DLC 4053) of requests for liquor permits, transfer of applications, etc., and the Personal History Fingerprint Card (Form 6.111B) to the Clerk of Council, Director of Safety, and CVCS.
    - 1) CVCS sends a copy of the notification to the involved district commander, who will investigate and notify CVCS of approval or disapproval by telephone. Forward completed paperwork, including the Liquor Information Report (Form 565), to CVCS.
      - a) If disapproved, the district commander will note his disapproval on a Form 17 to the Director of Safety, listing objections.
        - 1] Make three copies of the Form 17.
          - a] Hand deliver the original to the Director of Safety's Office.
          - b] Send duplicate to CVCS.
          - c] Place triplicate in the district file.
        - 2] Make Form 565 for approvals and disapprovals as well.

- 2) CVCS will notify the Director of Safety's Office by letter or telephone of the Police Division's approval or disapproval of the new permit or the location transfer of the permit.
- b. ODLC Forms DLC 4053 and 6.111B:
  - 1) Upon receipt of the above forms, CVCS will complete a Renewal, Transfer or Issuance of Liquor Licenses (Form 474) and the state form.
    - a) CVCS will type any criminal record found on the Police Division Conviction Record Transcript (Form 243A).
  - 2) Forward copies of Form 474 and the state form to the involved district commander for approval or disapproval.
  - 3) The ODLC regards the following as objectionable:
    - a) Conviction of the applicant for felonies or other crimes relating to his ability to operate a liquor establishment
    - b) An applicant's alcoholism or drug addiction
    - c) A prior unfavorable enforcement record
    - d) Nonconformity with building, safety, or health requirements
    - e) Inaccessibility by law enforcement authorities
    - f) The establishment will substantially interfere with the public decency, sobriety, peace, or good order of the neighborhood

- g) The establishment will substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school, or hospital
- h) The granting or transferring of a permit will be detrimental to the morals, safety, or welfare of the public
- i) The adverse effect of saturation of the area with other liquor establishments
- 4) The involved district commander will immediately investigate and record his recommendation on a Form 474. Return all copies to CVCS no later than the date noted on the Form 17.
  - a) Objections: Leave the state form attached. Note objections on the Form 474, document on a Form 17, and return to CVCS.
  - b) No objections: Leave the state "return to" form attached. Write no objections in the "Recommendation" section and return to CVCS.
  - c) District copy: When desiring a district copy, make one at the unit level.

- 5) The CVCS Commander will make recommendations on the Form 474. Send it through the bureau commander to the Chief for his signature. The Police Chief will sign the Form 474 and return it to CVCS.
- 6) The CVCS Commander will state in the appropriate place on the Liquor Control Application whether the Cincinnati Police Division approves or disapproves the new permit, location, transfer, etc.
  - a) CVCS will file the copy of Form 474 and the state form.
  - b) CVCS will notify the Director of Safety's Office whether there is an objection or no objection.
    - 1] Attach reasons supporting objections to the state form.

### 3. Permit renewals:

- a. The ODLC now issues all renewals each year in June.
  - At renewal time, the district commander will investigate and determine recommendations for permit renewal. Check the accuracy of the district permit file information.
  - 2) Forward complaints against a permit premise to CVCS once each year at renewal time.
    - a) Renewal objections will concern enforcement actions occurring on the permit premise during the past year. The liquor permit year is June to June.
      - 1] Attach a certified copy of the judge's entry sheet depicting the arrest case numbers and convictions

- occurring on the permit premises.
- 2] List the arrests (persons charged) and charges filed.
- 3] Attach a list of radio runs, a description of the nature of the run, and disposition.
- b) When objecting to the renewal of a permit, prepare a Form 474 on each owner at that location. Record the reason for objection on a Form 17 and forward to the Police Chief. List the names of officers who can testify about the conditions existing on the premises.
  - 1] Record the date of birth and the social security number of the permit holder on the Form 474. Record this information in the space available below "Home Address."
  - 2] Forward the Form 474 for each renewal objection to CVCS. CVCS makes and submits their recommendations to the Police Chief for consideration.
  - 3] Retain one copy of Form 474 for the district file.
- c) No action is necessary when not objecting to the renewal of permits.

### F. Gambling Containment:

1. On all suspected gambling operations prepare a Form 526, if no arrest is made, listing all the facts and forward to CVCS.

- a. The unit, whether a district or CVCS, initiating the activity will prepare Form 526 and forward a copy to the other interested unit.
- b. Police personnel will not visit suspected gambling places alone unless authorized by an immediate supervisor. In some instances, infiltration by civilian clothed personnel is necessary to secure evidence. In these cases, obtain prior permission from the supervisor. The supervisor should always remain available.
- c. Whenever possible, the supervisor will accompany personnel in the investigation of suspected gambling places.
- A police supervisor will respond and supervise the accounting of all money or equipment held as evidence in gambling arrests.
  - a. Record all claims to such money, but do not determine ownership.
  - b. Ensure all proper reports are made and all seized property protected.
- 3. CVCS and all police districts will maintain a jacket file on gambling operations. Each jacket will contain the following:
  - a. Correct street addresses and locations within the buildings
  - b. Owner of building
  - c. Lessee of building
  - d. Backer of game
  - e. All Forms 526, 527, and other information pertaining to such address

### 4. Form 526:

a. Make four copies of Form 526 on all investigations of gambling locations.

- 1) Original to CVCS.
- 2) One copy for the files of the unit initiating the action.
- 3) One copy for the officer initiating the action.
- 4) One copy for affected district.

### 5. Form 527:

- a. Make five copies of Form 527 on the first gambling arrest at any location.
  - 1) One copy to CVCS.
  - 2) Two copies for the files of the unit initiating the action.
  - 3) One copy for the officer initiating the action.
  - 4) One copy for the affected district.
- b. If an organized ring is suspected, also send a copy to Intelligence Section.
- 6. CVCS will prepare a letter to the property owner. It will relate the facts and apprise him of his responsibility and his exposure to arrest in the event of future violations.
  - a. Send this notice by registered mail with personal receipt requested.

- 7. Maintain a copy of the owner's notice in the
- 8. Charge all persons found participating in gambling games under Ohio Revised Code (ORC) Sections 2915.02 Gambling, 2915.03 Operating a Gambling House, or 2915.04 Public Gambling, where applicable.

### G. Seizure of Pinball Games:

- 1. When observing unlawful use of pinball machines, confiscate and tag the machines. Send the machines to the Court Property Unit.
- 2. Remove the exhibitor's license from the premises and send to the Court Property Unit in a property envelope. If the license is under the glass of the machine and not accessible, send the license along with the machine to the Court Property Unit.
- 3. Prepare a Form 17. Send the original to the Police Chief. Make copies and forward to CVCS and Intelligence Section. Keep a copy for the initiating unit's files. Include the following information:
  - a. Time and date of arrest or incident
  - b. Arresting officer
  - c. Persons arrested and charges
  - d. Address and type of business where violation occurred
  - e. Facts concerning violation
  - f. Make of machine and serial number, if available
  - g. Machine license number, distributor, person to whom issued, and the expiration date of the license
  - h. Exhibitor's license number and to whom issued

- 4. The arresting officer will promptly submit a supplemental Form 17 reporting the court disposition.
- 5. Following conviction, CVCS will send a request to the Director of Safety for a destruction order.

### H. Pornography Cases:

- When members of the division are advised, notified, or come into contact with the various forms of pornography, other than mere possession, they will notify the CVCS Commander.
  - a. Report all cases of child pornography to CVCS and the Personal Crimes Unit.
- 2. The CVCS Commander will assign personnel to investigate the complaint.
  - a. The personnel will view the pornographic material, consult the Prosecutor's Office, and make a determination as to prosecute.
  - b. They will record such information as:
    - 1) Time, date, and location of the violation.
    - 2) Name and address of the theater or store.
    - 3) Name and address of the owner; if a corporation, names and addresses of the corporation and officers.
    - 4) Name and address of the theater or store manager.
    - 5) Name and address of the projectionist if a theater.
    - 6) Names of all police and civilian witnesses.
  - c. They will notify the district, unit, or bureau of any action taken or not taken

if the complaint originated from within the division.

## I. Drug Abuse Locations:

- 1. When an officer believes probable cause exists to file a drug abuse location charge as described in Cincinnati Municipal Code (CMC) 911, Section 5 (C), "Permitting Drug Abuse," he will:
  - a. Prepare a Form 526 listing the facts and a written summary of evidence and submit to Street Corner Unit Commander for review. Make four copies of the Form 526 and distribute as follows:
    - 1) Original to Street Corner
      Unit
    - 2) Copy for the unit initiating the action
    - 3) Copy for the officer(s) initiating the action
    - 4) Copy for the affected district
- 2. No enforcement action will be taken for a violation of CMC 911-5 (C) without administrative review by Street Corner Unit.
- 3. Upon approval, an investigative packet will be returned to the originating officer(s), who will file a criminal complaint and then an arrest/citation will occur. Upon arrest, copies of the Form 527 or Notice to Appear (Form 314) will be sent to Street Corner Unit.
- 4. When a felony drug offense is committed on property owned by another, Street Corner Unit will prepare a notification letter to the property owner, lessee, occupant, custodian, or supervisor of the location. It will relate the facts and apprise him of his responsibility and exposure to arrest in the event of future violations.

- a. Make notification within 72 hours by certified mail, return receipt requested, or by personal service with a signature as receipt.
- b. District neighborhood officers will assist in notification by personal service of drug abuse location owners, lessees, occupants, custodians, or supervisors.
- 5. Street Corner Unit and all police districts will maintain a jacket file on drug abuse locations. Each jacket will contain the following:
  - a. Correct street addresses and locations of drug abuse location premises, real estate, or vacant land, including specified areas (e.g., "Apartment 123," "first floor," "northwest corner," etc.)
  - b. Owner of premises or real estate
  - c. Lessee of premises or real estate
  - d. Arrestees and their addresses
  - e. All Forms 526, 527, and any other information pertaining to drug arrests at these addresses
- 6. Maintain a copy of the owner's notice in the drug abuse location file jackets.

- 7. Charge all persons found participating in drug abuse under Ohio Revised Code (ORC) Section 2925, Drug Offenses, where applicable.
- 8. All property held as evidence in drug abuse location arrests will be processed according to Procedure 12.175.
  - a. Ensure all proper reports are made and all seized property protected.
- 9. Make five copies of Form 527 on a drug abuse location arrest:
  - a. One copy to Street Corner Unit
  - b. Two copies for the unit initiating the action
  - c. One copy for the officer(s) initiating the action
  - d. One copy for the affected district
- 10. If an organized ring is suspected, also send a copy to Intelligence Section.
- J. Reporting Monthly Vice Activity:
  - 1. Each district will use the Monthly Vice Activity Report (Form 524), or a computer generated equivalent, to report the monthly vice activity occurring in their district.
    - a. Only the district of occurrence will report an arrest or activity regardless of the arresting officer's or unit's involved.
      - 1) District personnel will use the present Form 527 as a source for recording arrests and activity involving other units operating in their district.
      - 2) District personnel involved in a vice arrest or activity will expedite the completion and routing

of Form 526 if no arrest is made, or Form 527 if an arrest is made.

- b. District commanders will review and sign the reports and forward the original to CVCS by the third day of the following month.
  - 1) Retain the duplicate for the district file.
- 2. Instructions for completing the report:
  - a. Fill in each blank where applicable.
  - b. Use additional forms when needing more space under any category.
  - c. If narcotic activity, list the name of the substance and the weight in grams.
  - d. If prostitution, indicate the type of premises where the activity occurred (i.e.; vehicle, street, residence, etc).
  - e. When liquor violations occur in permit premises:
    - Include all arrests. Also include requests for write up of violations to the Ohio Liquor Board with no arrests.
  - f. List charges in narrative form and by section numbers.
  - g. List the following under "Confiscations"
     or "Other Activity:"
    - 1) Pornography arrests

2) Seizure of other vice related substances: untaxed liquor, gambling records and paraphernalia, drugs without accompanying arrests, etc.

### 3. CVCS will:

- a. Analyze reports from all districts, and prepare a monthly composite report for the Police Chief.
- b. Complete an annual composite report for the Police Chief.
- c. Prepare special reports when requested by the Police Chief.
- K. Pharmaceutical Diversion Squad Cases:
  - 1. The Pharmaceutical Diversion Squad (PDS) investigates the following cases:
    - a. The illegal diversion of pharmaceutical drugs.
    - b. Health care insurance fraud.
  - 2. PDS is available for recall on a 24 hour basis. PDS personnel need involvement in an investigation shortly after an arrest. This includes an opportunity to interview the prisoner and to offer any expertise or assistance to the arresting officer.
  - 3. The following circumstances will constitute cause to contact PDS or request recall:
    - a. The arrest of an employee of any health facility, hospital, nursing home, doctor's office, etc., for the possession or theft of any amount of dangerous drugs. The arrest of any of the above employees in a nonalcohol related DUI offense.
    - b. The arrest of any subject in illegal possession of the bulk amount or more of any schedule II controlled pharmaceutical substance, or 100 dosage

units or more of any other controlled pharmaceutical substances or dangerous drugs.

- c. The arrest of a subject for, or any attempt or complicity to, the following offenses:
  - 1) Theft (Drugs) ORC Section 2913.02
  - 2) Medicaid Fraud ORC Section 2913.40
  - 3) Insurance Fraud ORC Section 2913.47
  - 4) Workers' Compensation Fraud ORC Section 2913.48
  - 5) Trafficking in Drugs (Dangerous Drugs) ORC Section 2925.03
  - 6) Deception to Obtain a Dangerous Drug ORC Section 2925.22
  - 7) Illegal Processing of a Drug
    Document ORC Section 2925.23
- 4. After normal business hours, contact the Criminal Investigation Section (CIS) desk. The CIS desk officer will contact a PDS supervisor.
- 5. When an officer responds to a pharmacy for a stolen, altered, or forged prescription, and an arrest neither occurs nor is imminent, the prescription remains at the pharmacy. The responding officer will notify PDS by the next business day. PDS will receipt and preserve the evidence. Instruct the pharmacist to preserve the prescription for possible latent fingerprints. Do not handle the prescription.

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